



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Joseph P. Errico et al.

Group Art Unit: 3738

Application No.: 10/642,528

Examiner: Not Yet Assigned

Filing Date: August 15, 2003

For: AXIALLY COMPRESSIBLE ARTIFICIAL  
INTERVERTEBRAL DISC HAVING  
LIMITED ROTATION USING A CAPTURED  
BALL AND SOCKET JOINT WITH A SOLID  
BALL AND COMPRESSION LOCKING  
POST

**INFORMATION DISCLOSURE STATEMENT**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

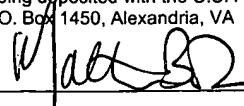
Applicant respectfully submits this Information Disclosure Statement and pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98 in order to comply with the duty of disclosure. The enclosed Form PTO-1449 identifies the references of which Applicant is aware. As this application was filed August 15, 2003, pursuant to OG Notice 05 August 2003, copies of the references are not provided.

It is certified under 37 C.F.R. § 1.97(e) that the cited references were listed on a search report issued in a counterpart PCT application not more than three months prior to the filing of this IDS, a copy of the search report is also enclosed.

The Examiner is respectfully requested to consider the references herein and make them of record in the subject application. It is Applicant's position that the references cited pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98 are clearly not a bar to allowance of the claims in this application.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 19, 2004

Signature: 

Print Name: Matthew B. Dernier

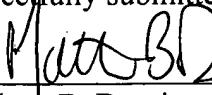
Application No.: 10/643,528

Attorney Docket No.: F-265  
(532/16)

If any further fee is due, the Commissioner is authorized to charge any such fee to Deposit Account No. 11-0223.

Dated: April 19, 2004

Respectfully submitted,

By 

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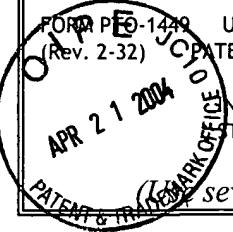
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 FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Rev. 2-32) U.S. PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTORNEY DOCKET NO.: F-265 (532/16)	APPL. NO.: 10/642,528
	APPLICANT: Joseph P. Errico et al.	
	FILING DATE: August 15, 2003	GROUP ART UNIT: 3738

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,605,417	08/12/1986	K. E. Fleischauer			
	AB	4,932,969	06/12/1990	Frey et al.			
	AC	5,895,428	04/20/1999	Don Berry			
	AD	5,989,291	11/23/1999	Ralph et al.			
	AE	6,063,121	05/16/2000	Xavier et al.			
	AF	6,610,092	08/26/2003	Ralph et al.			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA							

### OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

CA	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	